

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

John C. Depp, II,

Plaintiff,

v.

Amber Laura Heard,

Defendant.

Civil Action No.: CL-2019-0002911

MOTION TO COMPEL 4:10 EXAMINATION OF PLAINTIFF JOHN C. DEPP, II

COME NOW the Amber Laura Heard, by counsel, pursuant to Rule 4:10 of the Rules of the Supreme Court of Virginia (the “Rules”) and moves this Court for an Order requiring John C. Depp, II to submit to a Mental Examination in accordance with Rule 4:10 and states as follows:

1. As set forth in the attached Memorandum in Support (“Memorandum”), which is incorporated herein by reference, Mr. Depp’s medical/mental health condition is in controversy and good cause exists for this Court to order a Rule 4:10 Examination of Depp.

2. As set forth in the Memorandum, David R. Spiegel, M.D. (“Dr. Spiegel”) of Norfolk, Virginia is a board-certified psychiatrist licensed by the Virginia Board of Medicine and in good standing; he is a qualified health care provider as defined in Virginia Code § 8.01-581.1; and Dr. Spiegel is the appropriate health care provider to perform the Mental Examination of Depp pursuant to Rule 4:10.

3. Dr. Spiegel is prepared to conduct the Mental Examination of Mr. Depp via Zoom during two days over the week of December 6, 2021, starting at 9:00 a.m. Pacific Time or other dates, times, and locations that are mutually agreed by Mr. Depp and Dr. Spiegel.

4. Dr. Spiegel is prepared to conduct the Mental Examination in a period not to exceed fourteen (14) hours over the course of two days, in which each day would include a one (1) hour lunch break, two fifteen (15) minutes breaks in the morning, two fifteen (15) minutes breaks in the afternoon, and any other breaks as needed and agreed to by Mr. Depp and Dr. Spiegel.

6. The Mental Examination would consist of a one-on-one interview and discussion between Dr. Spiegel and Mr. Depp, with appropriate testing as determined by Dr. Spiegel based on his training, experience and expertise.

7. Pursuant to Rule 4:10, the scope of Dr. Spiegel's Mental Examination would be Plaintiff's current mental condition and his mental condition during relevant events and time frames at issue in Depp's Complaint and Ms. Heard's Counterclaims, which would include evaluating Dr. Kipper's findings that Depp suffers from Primary Dopamine Imbalance, ADHD, Bipolar 1, Depression, Insomnia, and chronic substance abuse disorder, as well the effects of drugs and medication on Depp and the pharmaceutical effects of Mr. Depp's alcohol and drug use as set forth in the Expert Designation dated February 16, 2021.

8. Dr. Spiegel shall prepare and serve a report within thirty (30) days of completion of the 4:10 Exam.

9. For all testing administered, Dr. Spiegel shall provide the test questions administered to Mr. Depp, the answers given by Mr. Depp and any computerized analysis of the answers.

10. Within five (5) days after the serving of Dr. Spiegel's report, any expert who examined the mental condition or effects of drugs and medication on Mr. Depp shall provide the raw data (test questions, answers and any computerized analysis) to Ms. Heard's counsel.

11. Dr. Spiegel will make himself available for deposition for up to 5 hours, by Zoom, on mutually agreeable dates and times.

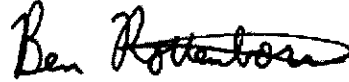
Counsel for Ms. Heard hereby certifies that they have, in good faith, attempted to confer with counsel for Depp in an effort to resolve this dispute without court action, but have been unable to do so.

WHEREFORE, Defendant Amber Laura Heard, by counsel, moves the Court for entry of an Order for a Rule 4:10 Mental Examination of Depp by David R. Spiegel, M.D. and such further and other relief as the Court deems proper.

Dated this 24th day of September 2021.

Respectfully submitted,

Amber L. Heard



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CERTIFICATE OF SERVICE

I certify that on this 24th day of September 2021, a copy of the foregoing was served by email, pursuant to the Agreed Order dated August 16, 2019, as follows:

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